

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14176, of Connecticut Way Limited Partnership, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Sub-section 3308.2 to permit construction of a roof structure which does not meet the normal setback requirements of Paragraph 5201.24, a special exception under Paragraph 5303.11 to waive the rear yard requirements and a variance from the roof structure floor area ratio requirements (Paragraph 3308.14) to construct a retail and office building in a C-4 District at premises 816 Connecticut Avenue, N.W., (Square 165, Lot 17).

HEARING DATE: September 19, 1984
DECISION DATE: October 3, 1984
DISPOSITION: The Board GRANTED the application subject to one condition by a vote of 4-0 (Douglas J. Patton, Maybelle T. Bennett, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

FINAL DATE OF ORDER: December 3, 1984

ORDER

The subject application was granted by the Board subject to the condition that construction be in accordance with the plans marked as Exhibit No. 20A of the record by its Order dated December 3, 1984.

On September 20, 1985, counsel for the applicant filed a request for the Board to waive the requirements of Section 506.2 of the Supplemental Rules of Practice and Procedure before the BZA in order for the Board to consider a motion for modification of the approved plans. Section 506.2 of the Rules requires that a request for modification of plans be filed with the Board not later than six months from the final date of the Order approving the application. The final date of the Order in the subject case is December 3, 1984, therefore, a request for modification of plans should have been filed with the Board no later than June 3, 1985.

The applicant filed for its building permit on May 31, 1985. The Zoning Division of the D.C. Department of Consumer and Regulatory Affairs notified the applicant on September

13, 1985, that the drawings submitted for permit would not be approved due to design changes in the east elevation.

The plans approved by the Board and marked as Exhibit No. 20A of the record included two diagrammatic elevations for the east and west sides of the building. The east elevation and accompanying floor plans indicated that the structure would rise to a height of 130 feet with no setbacks, recesses or projections with the exception of the first and second floors where a setback of 1.25 feet was indicated. The applicant had indicated at the public hearing of September 19, 1984, that the elevations were diagrammatic only and had not yet been designed in final form.

The final design of the east elevation incorporated the following changes from the original drawings:

- a. Glass line at the first floor entrance modified to incorporate a recess of approximately three feet, five inches by 12.25 feet at the main entrance.
- b. The second floor will contain two recesses of approximately 1.75 feet each.
- c. Floor Two through Ten will have the same 1.75 feet recess and floors Two through Twelve will include a triangular projection approximately three feet, seven inches deep.
- d. The eleventh floor will have a glass setback of nine inches from the line adjacent to the middle bay.
- e. The twelfth floor will have two triangular recesses approximately four feet, seven inches deep adjacent to the north and south property lines.

The Board has the authority to waive the provisions of Section 506.2 pursuant to Section 102.1 of the Rules for good cause shown. The Board concludes that the applicant has demonstrated good cause in this instance because the applicant filed for the building permit in a timely manner but was not advised that the permit would not be issued until after the six month period had expired. The Board further concludes that a waiver of the provisions of Section 506.2 will not prejudice the rights of any party to the case and is not otherwise prohibited by law.

As to the proposed modification of plans, the Board concludes that the proposed modifications are minor deviations in design and do not result in substantial changes in the size, shape or configuration of the project. No additional variance relief is required. There was no opposition to the proposed modifications. The roof structure and rear